

SENATE BILL 600

E2

1lr1691

By: **Senator Smith**

Introduced and read first time: January 29, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Attorney General – Investigation and Prosecution of Deaths**
3 **Caused by Police Officers**

4 FOR the purpose of requiring a certain law enforcement agency to notify the Office of the
5 Attorney General of a certain incident involving the death of a person caused by a
6 police officer at a certain time; requiring the Attorney General to investigate certain
7 incidents involving the death of a person caused by a police officer; requiring the
8 Attorney General to transmit a certain report to a certain State's Attorney at a
9 certain time; requiring a certain State's Attorney to notify the Attorney General
10 whether the State's Attorney intends to prosecute a certain case at a certain time
11 under certain circumstances; requiring the Attorney General to prosecute a certain
12 police officer under certain circumstances; authorizing a certain prosecution to
13 include certain crimes under certain circumstances; defining certain terms; and
14 generally relating to the Office of the Attorney General.

15 BY adding to
16 Article – Public Safety
17 Section 3–523
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2020 Supplement)

20 BY adding to
21 Article – State Government
22 Section 6–106.2
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2020 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

27 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



3-523.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.

(3) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.

(B) A LAW ENFORCEMENT AGENCY SHALL NOTIFY THE OFFICE OF THE ATTORNEY GENERAL OF ANY ALLEGED OR POTENTIAL INCIDENT INVOLVING THE DEATH OF A PERSON CAUSED BY A POLICE OFFICER AS SOON AS THE LAW ENFORCEMENT AGENCY BECOMES AWARE OF THE INCIDENT.

Article – State Government

6-106.2.

(A) IN THIS SECTION, "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE PUBLIC SAFETY ARTICLE.

(B) THE ATTORNEY GENERAL SHALL INVESTIGATE ALL ALLEGED OR POTENTIAL INCIDENTS INVOLVING THE DEATH OF A PERSON CAUSED BY A POLICE OFFICER.

(C) (1) WITHIN 15 DAYS AFTER COMPLETING AN INVESTIGATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE ATTORNEY GENERAL SHALL TRANSMIT A CONFIDENTIAL REPORT TO THE STATE'S ATTORNEY OF THE COUNTY THAT HAS JURISDICTION TO PROSECUTE THE MATTER THAT:

(I) CONTAINS DETAILED INVESTIGATIVE FINDINGS; AND

(II) INDICATES THAT:

1. THE ATTORNEY GENERAL FINDS THAT A CRIME HAS OCCURRED AND THAT PROSECUTION OF THE MATTER IS RECOMMENDED;

2. THE ATTORNEY GENERAL FINDS THAT A CRIME HAS NOT OCCURRED; OR

1 **3. THE ATTORNEY GENERAL DOES NOT RECOMMEND**
2 **PROSECUTION.**

3 **(2) (I) IF THE ATTORNEY GENERAL RECOMMENDS PROSECUTION**
4 **OF THE POLICE OFFICER FOR A VIOLATION OF TITLE 2 OF THE CRIMINAL LAW**
5 **ARTICLE, WITHIN 45 DAYS OF RECEIVING THE REPORT UNDER THIS SUBSECTION,**
6 **THE STATE’S ATTORNEY SHALL NOTIFY THE ATTORNEY GENERAL WHETHER THE**
7 **STATE’S ATTORNEY INTENDS TO PROSECUTE THE CASE.**

8 **(II) IF THE ATTORNEY GENERAL RECOMMENDS PROSECUTION**
9 **AND THE STATE’S ATTORNEY DECLINES TO PROSECUTE THE CASE OR FAILS TO**
10 **NOTIFY THE ATTORNEY GENERAL AS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS**
11 **PARAGRAPH, THE ATTORNEY GENERAL SHALL PROSECUTE THE POLICE OFFICER.**

12 **(D) IF THE ATTORNEY GENERAL PROSECUTES A POLICE OFFICER FOR A**
13 **VIOLATION OF TITLE 2 OF THE CRIMINAL LAW ARTICLE UNDER THIS SECTION, THE**
14 **PROSECUTION MAY INCLUDE ANY OTHER CRIMES ARISING FROM THE SAME SET OF**
15 **FACTS AND CIRCUMSTANCES.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2021.